



MINUTES OF THE GILA COUNTY

BOARD OF ADJUSTMENT

Thursday, December 19, 2019

Gila County Board of Supervisors Conference Room

610 E. State Hwy 260, Payson, AZ

Gila County Community Development Conference Room

745 N Rose Mofford Way, Globe, AZ

9:00 A.M.

REGULAR MEETING

1. The meeting was called to order at 9:00 A.M. by Chairman Mickie Nye.
2. Pledge of Allegiance was led by Mary Lou Myers.
3. Roll Call: Shealene Loya called the roll; Chairman Mickie Nye (in Globe), Bill Marshall (in Globe), Mary Lou Myers (in Payson). A quorum was present.

Community Development Staff Members Present: Scott Buzan-Director, Michelle Dahlke-Senior Planner and Shealene Loya-Administrative Assistant.

4. Review and Approval of the Planning and Zoning Minutes: Minutes from November 21, 2019 and December 12, 2019 will be reviewed and approved at the next regular scheduled meeting.
5. **Director/Planner Communication:** At any time during this meeting of the Planning and Zoning Commission, the Director and/or Planner of Community Development may present a brief summary of current events. No action may be taken.

Mr. Buzan- No Comments

Mrs. Dahlke- No Comments

Information/Discussion/Action:

Public Hearing:

6. **AV-19-35 David Brakefield**

An appeal has been filed against the staff approval of an Administrative Variance application to permit a 10' front yard setback where 20' is required. This property is located at 47 Boulder Ave in Tonto Basin, Arizona (APN # 201-21-047).

Mrs. Dahlke gave a brief background on the need for an Administrative Variance for this case. Staff approved the Administrative Variance because it met the criteria designated in the Gila County Zoning Ordinance. Staff received an appeal during the appeal period from Don Bogat, an adjoining property owner.

Mr. Bogat expressed confusion on where the front of the property was located and where the residence would be facing. After Mrs. Dahlke explained where the proposed residence would be on the property, Mr. Bogat recanted his appeal.

Chairman Nye closed the public hearing.

Upon motion by Mr. Marshall, seconded by Mrs. Myers, the Board unanimously denied the appeal and upheld staff's approval.

7. **AV-19-36 Evard Orcutt**

An appeal has been filed against the staff approval of an Administrative Variance application to permit two goat pens within the front yard. This property is located at 320 W Round Valley Rd in Payson, Arizona (APN # 304-22-007V).

Mrs. Dahlke gave the Board a brief background of the case. A complaint was filed with Community Development Code Enforcement due to goats roaming outside the property, a goat pen located too close to the rear and interior yard and goat milk being sold. Mrs. Dahlke explained that all goats on the property will have to be contained on the property, pens housing the goats need to meet setback requirements and the property must meet all State and County health regulations. The property owner, Mr. Orcutt, informed staff that he is not selling goats or goat milk. Mr. Orcutt also provided staff with a letter from Mountain Meadows Memorial Park, giving him permission to allow his goats to graze on that property. Mr. Buzan confirmed that the goats can be off the property when being taken to graze as long as they are managed as they come and go from the property.

Staff approved the Administrative Variance in order to bring the property into zoning compliance. However, 2 appeals were filed against the approval.

Chairman Nye opened the meeting up for public comments.

Evard Orcutt, property owner and applicant, was the first to speak. He gave a brief history of the property and stated that because of the placement of the residence, there is no room in the back of the property to house the goats. He also reaffirmed that he does not sell goat milk and no longer allows the goats to roam freely through the neighborhood.

Larry White was the next to speak. Mr. White stated that he had no problem with the goats.

Alice Fontinel, appellant and adjoining property owner, was the next to speak. She expressed her concerns regarding the original pens being attached to her property fence, damage to her fence and the odor from the goats.

Mr. Buzan addressed the Board and stated that if complaints were continued to be made regarding the goats free roaming the neighborhood and their odor after approval/denial of the Administrative Variance, actions would be taken to investigate these complaints and take care of them.

Chairman Nye closed the public hearing.

Upon motion by Mrs. Myers, seconded by Mr. Marshall, the Board unanimously denied the appeals and upheld staff's approval.

8. **V-19-07 RIM TRAIL DOMESTIC WATER IMPROVEMENT DISTRICT (APPLICANT) / MARK PARISH AND MELANIE DAVIS (OWNER)**

An application to request reduced building setbacks, lot area, lot width and lot depth to accommodate a public domestic water well. The property is located on a portion of 181 South Ranch Lane in the Rim Trail Mountain Club subdivision (APN # 302-04-140B). Specifically, the area that is the subject of the variance is an approximate 875 Sq. Ft. area located on the southeastern corner of APN # 302-04-140B. The property is zoned Residence One District – Density District 18 (R1-D18). Approval of this application is contingent upon Mark Parish and Melanie Davis obtaining approval from Gila County

Community Development for a Minor Land Division and the subsequent recording with the Gila County Recorder's Office.

Chairman Nye made the Board aware that he knows Don Ascoli, District Manager of Rim Trail Water Improvement District.

Mrs. Dahlke stated that the Variance is warranted for various reasons including the fact that it is a public utility that has a need to provide service to customers and that no other zoning district would enable them to have a small lot. Staff recommends approval of the Variance.

Chairman Nye opened the meeting up for public comment.

Don Ascoli was the first to speak. Mr. Ascoli gave a brief overview of the need for a new well and the reasoning for the Variance. The current wells used by Rim Trail WID are losing capacity. Rim Trail WID also wished to install a 10,000-gallon storage tank in the future. The well would service approximately 100 residents.

Harry Jones, nearby property owner, was next to speak. He stated that he is in support of the new well site.

Chairman Nye closed the public hearing.

Upon motion by Mr. Marshall, seconded by Mrs. Myers, the Board unanimously approved Case No. V-19-07.

9. Voting for Chairman and Vice-Chairman

Upon motion by Mrs. Myers, seconded by Mr. Marshall, the Board unanimously voted for Chairman Nye to remain Chairman and Mr. Marshall to remain Vice- Chairman.

10. **Adjournment.** Mr. Marshall made a motion to adjourn, seconded by Mrs. Myers. The motion to adjourn was unanimously approved at 12:40 P.M.